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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,208	12/31/2003	Kitahiro Kaneda	03500.013552.1	6674

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

SINGH, RACHNA

ART UNIT PAPER NUMBER

2176

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,208

Applicant(s)

KANEDA ET AL.

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-27,29-34,36-41 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-27,29-34,36-41 and 43-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: Amendments filed 12/06/05.
2. Claims 25-27, 29-34, 36-41, 43-45 are pending in the case. Claims 25, 32, and 39 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-27, 29-34, 36-41, 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onda, US 5,077,811, 12/31/91 in view of Okamura et al., US 6,266,162 B1, 07/24/01 (filed 11/13/95).

In reference to claim 25, Onda teaches a character and picture image data processing system. Compare to ***an image processing method for processing an input document image***. See abstract. Onda discloses a method/system in which the orientation of an image can be automatically detected and corrected whenever required. The system includes a data processing means including a character image discriminating means for discriminating a character image from a picture image orientation detecting means for detecting orientation of the character image to determine whether the orientation of the character image is in a correct orientation and an image rotation means for processing the image signals to rotate the image so that the image is correctly oriented. See column 2, lines 14-31. Onda teaches that the

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automatic detection and correction step can be used to rotate an image by 90, 180, or 270 degrees. See column 5, lines 1-11. Compare to ***automatically discriminating the orientation of the document image as one of 0, 90, 180, and 270 degrees if it is determined in said determining step that the user has instructed that the orientation of the document image should be automatically corrected and automatically rotating the document image based on the discriminated orientation of the document image if it is determined in said determining step that the user has instructed that the orientation of the document image should be automatically corrected.*** Onda teaches that a user of a system can make a judgment as to which direction an image shall be rotated in an image rotation system in order to possess a correct orientation of an image. The user can specify a desired angle of rotation. See column 1, lines 40-67. Onda teaches that the automatic detection and correction step can be used to rotate an image by 90, 180, or 270 degrees. See column 5, lines 1-11. Compare to ***rotating the document image according to a rotation angle of one of 0, 90, 180, and 270 degrees instructed by the user. . .if it is determined based on the second instruction that the tilt of the document image should be automatically corrected, automatically correcting the tilt of the document image which is rotated in said automatic rotating step or in said rotating step***”;

Onda does not expressly state ***displaying an instruction input window to receive a first instruction and second instruction from a user, wherein the first instruction indicates whether the orientation should be corrected automatically or***

***manually and wherein the second instruction indicates whether or not a tilt of the document image should be automatically corrected; determining, based on the first instruction received in the instruction input window, whether the user has instructed that orientation of the document image should be corrected automatically or manually;*** however, Okamura does. Okamura teaches receiving manual instructions from a user in an operation panel. See abstract and column 63, lines 49-67. Onda teaches that it was well known at the time of the invention for a user to manually manipulate the orientation of an image in order to possess a correct orientation. See column 1. Onda also teaches that the orientation ***can be*** automatically detected and corrected whenever required. See column 2. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Okamura's manual instruction input in an operation panel (i.e. instruction input window) as a means to select manual versus automatic manipulation of image data because it may be desirable to provide more control over the image orientation and for the user to make the judgment regarding the direction in which an image shall be rotated. See column 1, lines 40-67.

In reference to claim 26, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17.

In reference to claim 27, Onda teaches the system includes a data processing means including a character image discriminating means for discriminating a character image from a picture image orientation detecting means for detecting orientation of the

character image to determine whether the orientation of the character image is in a correct orientation and an image rotation means for processing the image signals to rotate the image so that the image is correctly oriented. See column 2, lines 14-31.

In reference to claim 29, Onda discloses an image orientation detection means for detecting whether the orientation of the character image is in a correct orientation. See abstract and column 2, lines 66-68-column 3, lines 1-17.

In reference to claims 30-31, Onda also teaches that the orientation can be automatically detected and corrected whenever required. See column 2. The automatic detection, discrimination, and correction can rotate the image at different angles. See columns 2-5.

Claims 32-34 and 36-38 are rejected under the same rationale used in claims 25-27 and 29-31 respectively above.

Claims 39-41 and 43-45 are rejected under the same rationale used in claims 25-27 and 29-31 respectively above.

### ***Response to Arguments***

5. Applicant's arguments filed 12/06/05 have been fully considered but they are not persuasive.

Applicant argues Onda does not teach ***displaying an instruction input window to receive a first instruction and second instruction from a user, wherein the first instruction indicates whether the orientation should be corrected automatically or manually and wherein the second instruction indicates whether or not a tilt of the document image should be automatically corrected; determining, based on the***

***first instruction received in the instruction input window, whether the user has instructed that orientation of the document image should be corrected automatically or manually***". However, Okamura teaches receiving manual instructions from a user in an operation panel. See abstract and column 63, lines 49-67. Onda teaches that it was well known at the time of the invention for a user to manually manipulate the orientation of an image in order to possess a correct orientation. See column 1. Onda also teaches that the orientation ***can be*** automatically detected and corrected whenever required. See column 2. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Okamura's manual instruction input in an operation panel (i.e. instruction input window) as a means to select manual versus automatic manipulation of image data because it may be desirable to provide more control over the image orientation and for the user to make the judgment regarding the direction in which an image shall be rotated. See column 1, lines 40-67.

In view of the comments above, the rejection is maintained.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS  
02/10/06



DOUG HUTTON  
PRIMARY EXAMINER  
TECH CENTER 2100